IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 2477 of 2007(T)

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PETITIONER:

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P.M. KOCHU MOHAMMED,
ASSISTANT ENGINEER, RAMANATTU HOUSE,
PERUMPAIKADU, KOTTAYAM.

BY ADV. SMT.JASMINE S.

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY CHAIRMAN, VYDHYUTHI BHAVANAM,
THIRUVANANTHAPURAM-695 004.

2. THE CHIEF ENGINEER,
K.S.E.B. VYDHYUTHI BHAVANAM,THIRUVANANTHAPURAM.

3. THE EXECUTIVE ENGINEER,
K.S.E.B. TMR DIVISION, PALLOM, KOTTAYAM.

BY ADV. SRI.K.S.ANIL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.K.DENESAN, J**

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**W.P.(C)NO.2477 of 2007**

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**Dated this the 12th day of February, 2007**

**JUDGMENT**

The petitioner while working as Assistant Engineer under the respondents applied for leave without allowances for taking up employment abroad. It is stated that leave was sanctioned upto 30.6.2006, and further, that before the expiry of the sanctioned period of leave, he applied for extension of another six months. But no orders were passed on that application. Subsequently, he filed Ext.P3 application dated 4.8.2006 before the second respondent requesting to permit him to rejoin duty. Since no orders were passed on Ext.P3, he filed Ext.P4 application before the Chairman of the Board on 23.12.2006. Subsequently, one more application was filed on 15.1.2007 before the second respondent. When the petitioner was due to retire from service on superannuation with effect from 31.1.2007, he filed this writ petition seeking for a direction to the

respondents to permit him to rejoin duty and also to direct the respondents to disburse him the retirement benefits and also to dispose of Exts.P3,P4 and P5 representations filed before the respective respondents.

2. This Court on 25.1.2007 directed the respondents to permit the petitioner to rejoin duty on the F.N. of 27.1.2007, provided, the petitioner reported for duty in the office of the second respondent. In obedience to the directions issued by this Court, the petitioner was permitted to rejoin duty on 27.1.2007, and thereafter, he retired from service on superannuation with effect from 31.1.2007.

3. Counsel for the petitioner submits that no formal posting order was issued to the petitioner. Legal Laision Officer of the respondents submits that the reasons for not issuing a posting order and other attendant circumstances have been stated in the counter affidavit filed by the second respondent. Exts.R2(a) and (b) also have been filed along with the counter affidavit.

4. The claim of the petitioner for sanction of leave in continuation of the first spell of leave he had availed,

regualrisation of the period during which he did not or could not attend duty and his right for terminal benefits will have to be considered by the respondents in accordance with the rules governing the service conditions of the petitioner. Counsel for the petitioner submits that this writ petition can be disposed of directing the first respondent to consider Ext.P4 and take appropriate decision within a time frame.

In the above circumstances, the writ petition is disposed of directing the Chairman of the first respondent to consider Ext.P4 with reference to all relevant records and to pass appropriate orders, in accordance with law, within two months from the date of receipt of a copy of the judgment. The petitioner shall produce a copy of the judgment before the Chairman of the Board, for information and compliance.

**K.K.DENESAN, JUDGE**

CSS